

REMARKS

By this Amendment, Applicant amends claims 1-4, 13, and 17, and cancels claim 18 without prejudice or disclaimer of the subject matter thereof. Upon entry of the Amendment, claims 1-4, 13, and 17 will be pending.

In the Final Office Action, the Examiner withdrew claim 18 as being directed to a non-elected invention; rejected claim 18 under 35 U.S.C. § 112, first paragraph; rejected claims 1 and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,408,395 to Sugahara et al. ("Sugahara"); rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Microsoft, Use Power Schemes for the Tablet PC ("Microsoft"); rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of U.S. Patent No. 6,928,567 to Nakai ("Nakai"); and rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of JP 11065712A to Shimada ("Shimada").¹

Regarding the claim withdrawal

Applicant respectfully traverses the Examiner's withdrawal of claim 18 as being directed to a non-elected invention. However, to expedite the prosecution of this application, Applicant cancels claim 18.

Regarding the rejection under 35 U.S.C. § 112, first paragraph

Applicant respectfully traverses the rejection of claim 18 under 35 U.S.C. § 112, first paragraph. However, in view of claim 18 being canceled, the Section 112 rejection of claim 18 is moot.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Regarding the rejection under 35 U.S.C. § 102(b)

Applicant respectfully traverses the rejection of claims 1 and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,408,395 to Sugahara. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See M.P.E.P. § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended,² recites a combination including, for example, “an operation mode control unit configured to carry out at least one of screen saver control, monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode.” Sugahara fails to disclose at least these features of amended claim 1.

Sugahara discloses “a power save function remote control method for a system having a first information processing apparatus and at least one second information processing apparatus which are coupled via a network.” Sugahara, column 2, lines 11-14. The first information process apparatus includes “a server processor 54 including a member structure/schedule storage part 51, a control signal transmission part 52, and a tabulation/analysis part 53. . . . The functions of the control signal transmitting part 52 and the tabulation/analysis part 53 are realized by executing

² Support for the claim amendments may be found at, for example, page 9 of the specification.

corresponding programs by the CPU 42. The control signal transmitting part 52 transmits a power save control signal depending on the schedule stored in the member structure/schedule storage part 51 or, depending on an external request.” Sugahara, column 5, lines 36-49.

However, Sugahara’s teaching of a remotely transmitted power save control signal does not constitute “an operation mode control unit configured to carry out at least one of screen saver control, monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode,” as recited in amended claim 1 (emphasis added).

Therefore, Sugahara fails to disclose each and every element of amended claim 1. Sugahara thus cannot anticipate amended claim 1 under 35 U.S.C. § 102(b). Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of amended claim 1.

Further, amended independent claim 13, while of different scope, recites similar features to those of amended claim 1. Amended claim 13 is therefore also allowable for at least the same reasons stated above.

Regarding the rejections under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Microsoft, because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness based on a combination or suggestion of prior art, “Office personnel must articulate . . . a finding that the prior art included each element claimed, although not necessarily in a single prior art reference,

with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” M.P.E.P. § 2143.A (8th edition, revision 6).

Claims 2 and 3 depend from claim 1 and require all elements of amended claim 1. As explained above, Sugahara fails to teach or suggest at least “an operation mode control unit configured to carry out at least one of screen saver control, monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode,” as recited in amended claim 1 and required by claims 2 and 3 (emphasis added). Microsoft fails to cure the deficiencies of Sugahara.

The Office Action alleges that “Microsoft explicitly teaches turning off a monitor and/or hard drive in a power conservation mode when no operation of the computer is made beyond a time period shorter than a time period when not in a power conservation mode [page 3].” (Office Action at 5.) Even assuming the allegation is correct, which Applicant does not concede, Microsoft fails to teach or suggest at least “an operation mode control unit configured to carry out at least one of screen saver control, monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode,” as recited in amended claim 1 and required by claims 2 and 3 (emphasis added).

Therefore, Sugahara and Microsoft fail to teach or suggest all elements required by claims 2 and 3, and a *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claims 2 and 3.

Applicant respectfully traverses the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Nakai. Claim 4 depends from claim 1 and requires all elements of amended claim 1. Nakai, as well, fails to cure the deficiencies of Sugahara with respect to at least the above listed features of amended claim 1 and required by claim 4.

The Office Action alleges that “Nakai explicitly teaches that power can be conserved in a power saving mode by reducing a disk rotation speed [col. 18 lines 12-20].” (Office Action at 5.) Even assuming the allegation is correct, which Applicant does not concede, Nakai fails to teach or suggest at least “an operation mode control unit configured to carry out at least one of screen saver control, monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode,” as recited in amended claim 1 and required by claim 4 (emphasis added). Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claim 4.

Applicant respectfully traverses the rejection of claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Shimada. Claim 17 depends from claim 1 and requires all elements of amended claim 1. Shimada fails to cure the deficiencies of Sugahara with respect to at least the above listed features of amended claim 1 and required by claim 17.

The Office Action alleges that “Shimada teaches operating a system in a silence mode [0007 and 0009].” (Office Action at 6.) Even assuming the allegation is correct, which Applicant does not concede, Shimada fails to teach or suggest at least “an operation mode control unit configured to carry out at least one of screen saver control,

monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode," as recited in amended claim 1 and required by claim 17 (emphasis added).

Further, Shimada fails to teach or suggest at least "only in the power save mode, the screen saver control inhibits start of a screen saver, the monitor power control turns off a monitor after a pre-determined time period since operations of a keyboard and a touch pad stopped, the hard disk control turns off a hard disk after a pre-determined time period since data access to the hard disk stopped, and the CPU processing speed control reduces a processing speed of a CPU," as recited in amended claim 17.

Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claim 17.

Conclusion

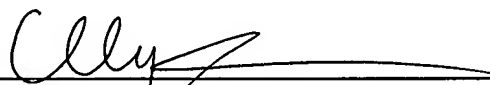
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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